

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

JOHNNY CRAWFORD,

Plaintiff,

v.

BOWIE COUNTY DETENTION  
CENTER.,

Defendant.

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Civil Action No. 5:22-CV-82-RWS-JBB

**ORDER**

Plaintiff Johnny Crawford, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was ordered to pay an initial partial filing fee of \$34.00, in accordance with 28 U.S.C. § 1915(b), but did not comply, nor did he respond to this order in any way. Docket No. 4. Plaintiff was also ordered to file an amended complaint setting out a short and plain statement of his claim, including identifying the individuals whom he wished to sue, but his amended complaint named only the Bowie County Detention Center as Defendant. Docket Nos. 5, 6.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed for failure to prosecute or to obey an order of the Court, and for failure to state a claim upon which relief may be granted in that the Bowie County Detention Center has no separate jural existence and cannot be sued in its own name. Docket No. 9. Plaintiff received a copy of this Report but filed no objections; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of

plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017). The incident forming the basis of the claim occurred in August of 2021 and so, in the interest of justice, the statute of limitations should be suspended for a period of 60 days following the date of entry of final judgment to give Plaintiff adequate time to refile his lawsuit, should he choose to do so, within the two-year limitations period.

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (explaining where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it is

**ORDERED** that the Report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted and for prosecute or to obey an order of the Court. It is further

**ORDERED** that the statute of limitations is **SUSPENDED** for a period of 60 days following the date of entry of final judgment. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So ORDERED and SIGNED this 5th day of July, 2023.**



ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE